

Chapter 70 SOLID WASTE*

***Cross reference(s)**--Buildings and building regulations, ch. 10; environment, ch. 26; health and sanitation, ch. 34; utilities, ch. 94.

State law reference(s)--Solid waste management, MCL 324.11501 et seq.; litter control, MCL 324.8901 et seq.

ARTICLE I. IN GENERAL

Sec. 70-1. Purpose and intent.

- (a) It is the intent of the city commission that this chapter be liberally construed for the purpose of providing a sanitary and satisfactory method of preparation, collection and disposal of solid waste and recyclable materials, as well as the maintenance of public and private property in a clean, orderly and sanitary condition, for the health, safety and welfare of the community, and to provide for a reasonable system of user fees to defray the cost incurred by the city in collecting and administering waste removal and, if possible, to institute recycling programs.
- (b) The city manager is hereby authorized to make such rules and regulations as, from time to time, appear to be necessary to carry out this intent, provided, however, that such rules are not in direct conflict with this Code or the laws of the state.

(Code 1975, § 10-1)

Sec. 70-2. Definitions.

The following words, terms and phrases when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Additional mixed refuse bag means a polyethylene or similar plastic bag of not less than two mils thickness, designed to store refuse and secured in a manner to prevent spillage, leakage or other release of its contents by the use of wire, string or ties appropriate for this purpose. The total weight of a bag and its contents shall not exceed 30 pounds.

Brush means yard wastes such as shrub clippings, twigs, tree trimmings not greater than four inches in diameter and four feet in length and tied in bundles not to exceed 30 pounds. No wire shall be used to tie the bundles.

Bulk items means, but shall not be limited to, any household furniture, bed springs, storm doors and windows, metal furniture, water closets, toilets, bathtubs, sinks, carpets and pads, railroad ties, fences or fence posts not exceeding three feet by four feet in dimension, and other discarded material incidental to the usual routine of housekeeping.

City contractor means a person, with whom the city has entered into a contract

for the collection, transportation and disposal or refuse from residential premises within the city.

City recycling container means an approved container which is furnished to residential units and complies with city rules and regulations and this chapter for the purpose of storage and setting out for collection of commingled recyclables.

City refuse sticker means a sticker that shall be printed with the city seal or other appropriate words which indicate to the city or its contractor that when a sticker is affixed to extra bags of mixed refuse or bulk items that such is intended for collection authorized by this chapter.

Collection point means the point of distribution of a mixed refuse collection cart, additional mixed refuse bag, or a recycling container. A residential unit is a single collection point. Apartment buildings with no more than six residential units may also have one or more collection points.

Commercial refuse means any and all accumulation of mixed refuse generated by business establishments, churches, schools, apartment buildings with greater than six units, office buildings, and other establishments, whether or not engaged in commerce. Commercial refuse shall not include residential unit mixed refuse, construction waste or industrial refuse.

Construction waste means waste materials from the demolition, construction, remodeling and repair operations on residences and other buildings.

Curbside means the designated physical location from the placement of refuse accumulations intended for single collection, point collection and disposal. This designated location shall be as near as possible to the curb or edge of the roadway where the collection point is located.

Extracted stumps means stumps that have been extracted, dug, or removed from the ground. The term "extracted stumps" shall include the attached roots of the tree stumps.

Garbage means all waste animal, fish, fowl, fruit or vegetable matter incident to the use, preparation and storage of food for human consumption. It does not include food processing wastes from canneries, slaughter houses, packing houses or similar industries, which shall be classified as industrial refuse or hazardous waste.

Hazardous waste means waste, or a combination of waste and other discarded material, including solid, liquid, semisolid or contained gaseous material, which, because of its quality, concentration or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible illness or serious incapacitating, but reversible illness, or pose a substantial present or potential hazard to human health or the environment, if improperly treated, stored, transported, disposed of or otherwise managed. The term "hazardous waste" does not include material which is sold for recycling or treatment and stored for one year or less, solid or dissolved material in domestic sewage discharge, solid or dissolved material in an irrigation return flow discharge, authorized industrial discharge to a municipal treatment system or industrial discharge which is a point source subject to permits under section 402 of the Clean Water Act of 1977, 33 USC 1342, or is a source, special nuclear or byproduct material, as defined by the Atomic Act of 1985, 42 USC 2011 to 2281. (See MCL 324111.1 et seq.). The term "hazardous waste" shall include waste defined in section 1102(2)(a) of the Natural Resources and Environmental Protection Act

(MCL 324.11102(2)(a) and (b)).

Household appliances means, but shall not be limited to, washers, dryers, air conditioners, microwave ovens, humidifiers, stoves, refrigerators and hot water heaters, not including sinks, lavatories, toilets and other plumbing devices.

Industrial waste means all waste materials resulting from industrial or manufacturing operations or processes of every nature whatsoever, including organic and nonorganic wastes. The term "industrial waste" includes refuse material resulting from cleaning up on connection with such industrial or manufacturing operations, and refuse material resulting from offices, stores, lunch rooms, warehouses or other operations established in conjunction with such industrial or manufacturing operations as well as garbage and rubbish. The term "industrial waste" excludes hazardous waste.

Junk means parts of machinery or motor vehicles, used stoves or other appliances, remnants of any personal property, any wood, metal, concrete, building materials or any other material or other cast-off material of any kind, whether or not the same could be put to any reasonable use.

Medical waste (also referred to as *medical and contagious waste*) means as provided in part 138 of the Public Health Code (MCL 333.13801 et seq.).

State law reference(s)--Similar provisions, MCL 324.11506(b).

Mixed refuse means garbage, rubbish and brush which constitutes household refuse, but does not contain unacceptable items.

Mixed refuse collection cart means an approved cart supplied by the city or its contractor to each residential unit.

Multiple-family residence means a building with a total of more than six household living units.

Recyclable materials means source separated materials, site separated materials, high grade paper, glass, metal, plastic, aluminum, newspaper, corrugated paper, yard clippings, and other materials that may be recycled or composted.

Refuse means all waste, rubbish, garbage, trash, junk, bulk items, discarded materials of every kind, unacceptable materials, medical and contagious waste, industrial waste, commercial waste, domestic waste and any discard or discarded materials otherwise defined in this chapter. The term "refuse" shall include all the definitional terms in this chapter describing, identifying or defining any material, substance, or personal property.

Residential premises means a separate parcel of land containing a residential structure containing no more than six household living units, plus any residential condominium unit designated as a residential premises by the city manager.

Residential unit means a household living unit contained in a residential premises.

Rubbish means miscellaneous solid waste material resulting from housekeeping, and shall include, but not be limited to, packing boxes, cartons, magazines, ashes, tin cans, bottles, glassware, dishes, rubber, rags, wood, leather, automobile tires, floor sweepings, cans, bottles, paper, cartons, rags, discarded clothing, discarded utensils, containers, sweepings, glass, crockery, nails, model wire, light bulbs, signs, advertising

matter, newspaper, and similar materials.

Solid waste means garbage and rubbish. The term "solid waste" does not include human body waste, liquid waste, materials that have been separated either at the source or a processing site for the purpose of reuse, recycling or composting, or any material that has been identified by state or federal regulation to be unsuitable for disposal in a type II sanitary landfill. The term "solid waste" also has the meaning assigned to it by section 11506 of the Natural Resources and Environmental Protection Act (MCL 324.11506).

Trash means discarded household appliances, dismantled boats, airplanes, dismantled vehicle parts, dismantled machinery or tools, machinery parts, scrap metal, paper, broken furniture and similar property.

Unacceptable bulk items means a bulk item which has no sticker or tag authorized by this chapter attached.

Unacceptable items or materials means building materials in large amounts, including, but not limited to, concrete, wood, earth, motor vehicle or machinery parts, junk vehicles of any type, used oil, tires, tree branches, logs or wood exceeding four feet in length or four inches in diameter, tree stumps, industrial waste, any item not contained in a container or bag authorized by this chapter, and any bulk item or appliance without an authorized sticker attached.

Yard waste means the miscellaneous waste material resulting from landscaping a home, including but not limited to grass, weeds, house plants, leaves, brush, garden waste material and dirt incidental to minor plantings.

(Code 1975, § 10-2; Ord. No. 2038, § 10-2, 12-12-2000)

Cross reference(s)--Definitions generally, § 1-2.

State law reference(s)--Definitions, MCL 13A.11501 et seq.

Sec. 70-3. Penalty; complicity.

- (a) *General penalty.* Whenever, in this chapter or in any technical or other code adopted by reference in this chapter, or in any rule, regulation or order promulgated or made under authority of any provision of this chapter, or under authority of state law, an act is prohibited, or whenever the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is otherwise provided, whoever violates or fails to comply with any such provision shall be responsible for a civil infraction. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.
- (b) *Expenses; equitable remedies.* The imposition of any penalty provided for in this section shall be in addition to any expense levied for a violation of or noncompliance with a provision of this chapter, or a provision of a technical or other code adopted by reference in this chapter, or a rule, regulation or order promulgated or made under authority of either, or of a state law, and shall be in addition to any equitable remedy provided by a provision of this chapter, or provided by state law, including the enforced removal of prohibited conditions.
- (c) *Complicity.* Every person who commits or procures, counsels, aids or abets the

commission of any act declared in this chapter with another person, or as principal, agent or accessory, shall be responsible for a civil infraction. Every person who falsely, fraudulently, forcibly or willfully induces, causes, coerces, requires, permits or directs another to violate any provision of this chapter shall likewise be responsible for a civil infraction.

(Code 1975, § 10-15)

Sec. 70-4. Responsibility of owners and occupants.

- (a) Every owner, occupant or person in possession of any premises in the city is required to have refuse removed and disposed of in accordance with this chapter and in accordance with all rules and regulations promulgated under this chapter. The city shall provide for certain refuse removal services for residential premises and there shall be paid to the city charges specified by the city commission for such services. Every owner, occupant or person in possession of multiple residential or nonresidential, commercial or industrial premises shall be responsible for the storage, collection and disposal of refuse on and from the premises, as authorized, required and as prohibited by this chapter, or federal, state or local laws, rules, and regulations.
- (b) Upon meeting every requirement of this chapter and the rules and regulations adopted by the city, a person may dispose of refuse. If a person acts in accordance with section 70-31, the person shall be deemed to elect the city collection service, which shall be charged to the property.
- (c) No owner, occupant, tenant or lessee of any building, structure, property or premises in the city shall store, collect, transport, or dispose of any refuse, garbage, rubbish or other rejected, unwanted or discharged waste materials, except in compliance with this chapter and applicable state, federal and local laws, rules and regulations.
- (d) No refuse of any description may be accumulated on any premises in the city for a period longer than seven days, or the period between scheduled collection dates, whichever is longer. All refuse shall be collected from each premises and disposed of in accordance with this chapter, federal, state or local laws, rules and regulations immediately. Notwithstanding the above periods, refuse not eligible for city contractor or licensee collection shall be immediately disposed of in a legal manner.
- (e) It shall be unlawful for any person to burn refuse at any place in the city, whether owned or occupied by such person or not or upon any alley, street, or other public place within the city unless in an enclosed incineration device approved or licensed by a public authority having exclusive jurisdiction thereof. No open burning of any materials shall be allowed in the city.
- (f) In order to comply with the requirements of this chapter and the rules and regulations adopted under this chapter, no person shall use the services of a collector unless a collector has been licensed by the city after meeting all lawful requirements of the city.

(Code 1975, § 10-3; Ord. No. 2038, § 10-3(a), 12-12-2000)

Sec. 70-5. Unauthorized dumping; littering.

- (a) It shall be unlawful for any person, without the written consent or license of the city, to enter into the city for the purpose of disposing, depositing or leaving any refuse of any kind, unacceptable items, unacceptable bulk items, discarded bulk refuse of any kind, or construction waste.
- (b) It shall be unlawful for any person to throw, deposit or leave, or cause or permit the throwing, depositing or leaving, of refuse of any kind, directly or indirectly, on public or private property or waters, other than property lawfully designated and set aside for such purposes by a public authority having jurisdiction.
- (c) In any proceeding for violation of this chapter involving littering from a motor vehicle or watercraft, proof that the particular motor vehicle or watercraft described in the citation, complaint or warrant was used in the violation, or proof that the defendant named in the citation, complaint or warrant at the time of the violation, shall give rise to a presumption and be prima facie evidence that the registered owner or person in charge of the vehicle or watercraft at the time of the violation was responsible therefor.
- (d) The owner or person in charge of a motor vehicle or watercraft in which there are other occupants shall be presumed to be responsible for littering on public or private property, or waters until the contrary is established by competent evidence.

(Code 1975, § 10-4)

State law reference(s)--Littering, MCL 324.8901 et seq.

Sec. 70-6. Nuisances.

- (a) *Removal or abatement.* Any unauthorized accumulated refuse, any scattered or uncontained refuse, broken or open additional mixed refuse bag, or overturned mixed refuse cart, additional mixed refuse bag in excess of 30 pounds, additional mixed refuse bag containing unacceptable materials, mixed refuse collection cart containing unacceptable materials or any bag placed in front of a residence contrary to any collection procedure referred to in this chapter, any refuse bag or device without an authorized sticker attached, any unacceptable items, or any unacceptable bulk item or bulk item or appliance placed in front of a residence contrary to this chapter, is hereby declared to be a public nuisance and is subject to removal or abatement. The city may enter any premises for the purpose of removing or abating the nuisance. The city commission shall provide, by rule or regulation, for notice to the owner and occupant of abatement procedures.
- (b) *Expenses.*
 - (1) Any expense, including the administration costs to the city, incurred in the removal or abatement of the nuisance, shall be the responsibility of the owner and occupant of the property on which or in front of which the condition existed and shall be paid by the owner and occupant in whose name the property appears on the city's real property tax assessment records.
 - (2) The expense incurred shall be a lien against the real property and shall be reported to the city assessor who shall assess the expense against the

property on which or in front of which the nuisance was located.

- (3) The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified on the amount of such cost by first class mail at the address shown on the tax records. If the owner or party in interest fails to pay the amount within 30 days after mailing by the city assessor of a notice of the amount thereof, the city assessor shall add the amount to the next tax roll of the city and such amount shall be collected in the same manner in all respects as provided by law for the collection taxes by the city.

(Code 1975, § 10-14)

Secs. 70-7--70-30. Reserved.

ARTICLE II. COLLECTION AND DISPOSAL

DIVISION 1. GENERALLY

Sec. 70-31. City refuse collection.

- (a) *Placement of refuse.* Unless authorized by subsection 70-4(b), every owner and occupant of a residential unit for which city refuse collection service is afforded under this chapter shall place all accumulated and acceptable refuse for collection in a mixed refuse collection cart supplied by the city or its contractor which cart shall be tightly sealed, with excess mixed refuse in additional mixed refuse bags with authorized stickers attached. Mixed refuse collection carts and additional refuse bags intended for collection with stickers attached shall be placed by the owner and occupant of the residential unit at the curb in front of the residence not earlier than 7:00 p.m. of the day preceding the collection day and not later than 6:00 a.m. of the day of collection. Additional refuse bags intended for collection shall not be broken nor weigh more than 30 pounds when filled. The owner and occupant shall not place or cause to be placed any unacceptable items in any additional refuse bag or mixed refuse collection cart intended for collection. No person shall place refuse materials of any kind on the premises of or in front of a residence for city collection service, except refuse originating in that residence.
- (b) *Rules and regulations.* The city manager shall make such rules and regulations, including schedules, as he deems necessary to govern the collection and disposal of all refuse within the city. Such rules and regulations shall be in effect upon their approval by the city commission. The rules and regulations may provide for unique or infrequent waste collections such as Christmas trees or seasonal yard waste. The rules may provide for recycling and the placement of recycling containers. All rules and regulations shall be publicized.
- (c) *City contractor.* The city may, by advertising for bids, enter into a contract for city refuse collection with a contractor, who shall be licensed. The contractor shall be a person the city commission deems best able to collect and dispose of residential refuse in the city in accordance with the best interests of the city and its residents, and pursuant to this chapter and rules and regulations adopted by

the city. The contract documents shall contain provisions that the city contractor shall commit to collect and dispose of refuse from all residential premises in the city in full compliance with this chapter and applicable local, state and federal laws, rules and regulations, subject to provisions for alternate collection and disposal under subsection 70-4(b), if any.

(Code 1975, § 10-5)

Sec. 70-32. Anti-scavenging provisions.

- (a) From the time of placement at the curb for collection, any mixed refuse, yard waste, properly tagged household appliances, additional bags, bulk items, or recyclable material required to be separated from the resident's solid waste in accordance with this chapter or rules and regulations for the purposes of collection shall be the property of the city or its authorized agent.
- (b) No person shall take, collect, scavenge, rifle, or transport refuse or recyclable material from any street right-of-way, alley, refuse or garbage dumpster, trash bags or mixed refuse collection cart without city authorization for such activity.

(Code 1975, § 10-6)

Sec. 70-33. Receptacles generally.

- (a) *Required.* No person, whether owner or occupant, shall deposit, place or permit to remain any refuse upon any property, whether owned by such person or not, within the limits of the city, unless such refuse is enclosed in a mixed refuse collection cart of a size, shape, and construction as is determined to be appropriate by the city manager in the rules and regulations, in an additional mixed refuse bag with sticker or it is a household appliance or bulk item with lawful stickers attached.
- (b) *Nonconforming receptacles.* Receptacles that are badly broken or otherwise fail to meet the requirements of this chapter or are of a design or capacity other than those provided by the city may be classified as refuse and, after due notice to the owner, may be collected as refuse.

(Code 1975, § 10-7)

Sec. 70-34. Removal of uncontained refuse and unacceptable materials.

- (a) The owner and occupant of a residential unit shall remove any scattered or uncontained refuse, including unacceptable materials within 24 hours after such refuse has been scattered or deposited, and dispose of such refuse in accordance with this chapter or in accordance with federal and state laws, rules and regulations.
- (b) Unacceptable items, including, but not limited to, commercial, medical and contagious, industrial refuse, untagged or unacceptable appliance or bulk items, shall be removed from all premises and disposed of by the owner and occupant thereof in accordance with this chapter or federal and state laws, rules and regulations. It shall be unlawful to store any unacceptable items on any premises.

(Code 1975, § 10-8)

Sec. 70-35. Bulk items and household appliances; stickers required.

- (a) City bulk item and household appliance stickers shall be as follows:
 - (1) City bulk item and household appliance stickers shall have distinctive colors and shall be printed with the city seal or appropriate words which will readily indicate to city collectors that the bulk items or household appliances are intended for citywide residential bulk collection and household appliance service.
 - (2) City bulk item and household appliance stickers shall be sold, at a price determined by resolution of the commission, at outlets designated by the city. Designated sales outlets shall sell city bulk item and household appliance stickers only at the price established by the commission. However, the appropriate sales tax may be charged by the retail establishment if required by state statute.
- (b) The city shall collect and dispose of all bulk items and household appliances from all single unit collection points within the city on a schedule approved by the city manager. All such items must have the appropriate city sticker attached.
- (c) The conditions for service of bulk items and household appliances and the collection schedules shall be the same as those listed in this chapter for other materials, or set out in rules and regulations.
- (d) No person shall transport bulk items or household appliances to public property for the purpose of depositing the bulk items in trash receptacles located within the public property.
- (e) The removal of bulk items or household appliances and unacceptable items shall be as follows:
 - (1) The city is not required to collect unacceptable bulk items. When such items are encountered, the city or its contractor shall affix a notice to the item or collection of items explaining that such material is unacceptable and the telephone number of its office where inquiries may be received.
 - (2) The owner and occupant shall remove from the curb in front of his residence any unacceptable bulk item, or any bulk item placed in front of the residence at a time other than provided for placement of refuse under this chapter and rules and regulations.

(Code 1975, § 10-9)

Sec. 70-36. City refuse stickers; sale and use.

- (a) Specifications for city mixed refuse stickers and their use shall be promulgated by the city manager.
- (b) The prices for the various stickers shall be determined by resolution of the city commission.
- (c) The city or its authorized representative may sell city solid waste or yard stickers to individuals and/or through participating retail sales establishments. Participating sales establishments shall sell the stickers for not more than the price specified by the city commission. However, the appropriate sales tax may

be charged by the retail establishment if so required by state or federal law.

- (d) City refuse stickers must be attached to additional mixed refuse bags which is not within the provided mixed refuse collection cart. Additional mixed refuse must be contained in appropriate plastic or degradable garbage bags. Each bag must not weigh greater than 30 pounds.
- (e) Additional refuse bags with no attached sticker will not be removed by the contractor and will be considered a public nuisance according to the provisions of this chapter and constitute a violation by the owner and occupant of the premises.

(Code 1975, § 10-10)

Secs. 70-37--70-55. Reserved.

DIVISION 2. RATES AND CHARGES

Sec. 70-56. Fees established.

The city commission shall establish, by resolution, all fees for refuse collection. Such fees shall be subject to revision by the city commission, from time to time. Owners and occupants of each residential unit served by city refuse collection shall be charged and responsible for the payment of the applicable fees.

(Code 1975, § 10-16(a))

Sec. 70-57. Manner of billing.

In the case of a residential premises containing more than one dwelling unit, which units are billed separately for charges by the city for sewer or water service, fees for refuse collection shall be billed to the person who is the customer of the city. In the case of such premises containing more than one residential unit, which premises are served by a single water and sewer bill, so that occupants or tenants cannot be billed separately by the city, fees for refuse collection shall be billed to the customer of the single utility bill and that customer shall be liable for the fee for such premises. Owners and occupants of residential premises who are not water or sewer customers of the city shall be billed. Regardless of billing procedures, owners of all premises served shall be responsible for all charges.

(Code 1975, § 10-16(b))

Sec. 70-58. Change of occupancy.

Collection of refuse and appropriate charges for service shall continue, regardless of the customer's response to the billing procedure, so long as the residential unit is deemed occupied and service has not been lawfully refused by the owner and occupant, or terminated by the city. The owner of the premises shall advise the city or its contractor of any change in occupancy of the residential unit or use of the service for purposes of service billing. Every owner and occupant of a premises charged for refuse collection shall be responsible for the period billed, or such portion of a billing period as may be provided for in the rules and regulations.

(Code 1975, § 10-16(c))

Sec. 70-59. Deposit.

If the city is notified that a tenant is responsible for city refuse service charges, the city shall require a tenant deposit of such amount as may be determined by regulation, which shall be applied to the final bill upon termination of refuse service to a tenant.

(Code 1975, § 10-16(d))

Sec. 70-60. Notification of vacancy.

- (a) Owners and occupants of residential units shall notify the city if such premises are being vacated. An owner and occupant taking title to or possession of a residential unit in the city shall notify the department immediately to avoid delay in billing and collection procedures.
- (b) No charge shall be made to nor collection service rendered to, a residential unit when it is temporarily vacated by order of the city.
- (c) Responsibility for notification of vacancy for the purpose of terminating collection service shall be upon the owner and occupant.

(Code 1975, § 10-16(e))

Sec. 70-61. Billing procedures.

The following billing procedures shall be controlling as to city refuse collection service:

- (1) Statements shall be rendered on combined city water, sewer and waste collection bills, and shall be payable in the same manner as is normal for the payment of water and sewer bills. Separate billings for premises where no water or sewer services occur shall be made.
- (2) The billing statement shall be payable on or before the due date shown on the statement. The payment date shall constitute the date upon which payment is received at the appropriate office. Late charges in accordance with water and sewer bills shall be assessed on all charges for waste collection.
- (3) Partial payments on combined water, sewer and waste collection bills shall be prorated to each service. There shall be no allocation of charges among services.

(Code 1975, § 10-16(f))

Sec. 70-62. Lien for charges.

- (a) Charges for city refuse collection shall constitute a lien on such premises.
- (b) In addition to the methods for collecting fees imposed by or pursuant to this chapter, the city treasurer's office shall certify all unpaid charges for waste collection services to any premises which have remained unpaid in the same

manner as water and sewer charges. Such unpaid charges shall be certified to the city assessor who shall place such charges on the tax assessment roll of the city.

(Code 1975, § 10-16(g))

Sec. 70-63. Fees for stickers.

Fees to be paid for stickers as set forth in the regulations shall be payable in cash at the time of purchase of the stickers.

(Code 1975, § 10-16(h))

Sec. 70-64. Termination of service for failure to pay fees.

The city may terminate refuse collection service to a premises for failure to pay fees. The power to terminate refuse collection service does not require the city to do so, and the city may elect to continue service and invoke other remedies for failure to pay fees.

(Code 1975, § 10-16(i))

Secs. 70-65--70-80. Reserved.

DIVISION 3. BUSINESS LICENSE*

***Cross reference(s)**--Licenses, ch. 50.

Sec. 70-81. Generally.

No person shall engage in the business of collection, transportation or disposal of refuse in the city without first obtaining a license therefor as provided in this section. All persons, other than persons disposing of their own refuse, shall obtain a license and be subject to the provisions of this chapter to collect, transport or dispose of refuse in or from the city.

(Code 1975, § 10-17(a))

Sec. 70-82. Application.

Application for a license under this chapter shall be made in writing to the city clerk's office upon blanks furnished by such office, and each applicant shall state his name, residence and business address, the number, year and style of conveyances and vehicles to be used and owned by the applicant, the engine numbers of the motor vehicles and the places where such vehicles are parked overnight. Such application shall also contain an agreement by the applicant to obey, abide by and comply with all provisions of this chapter and all other laws, ordinances, rules and regulations applicable to the conduct of such business now in force or which may hereafter be adopted.

(Code 1975, § 10-17(b))

Sec. 70-83. Equipment inspection.

Before any license is granted to any applicant under this chapter, all equipment used or to be used by such applicant in the conduct of the business of refuse collection, transporting or disposal shall be inspected and approved by the police department and the city manager or his designee.

(Code 1975, § 10-17(c))

Sec. 70-84. Indemnification.

A licensee shall pay any judgement which may be obtained against the city, alone or jointly with such licensee, on account of any injury or damage to persons or to property by reason of any license or licensee activity. The licensee shall intervene and defend any such suit or action upon written notice thereof given by the city.

(Code 1975, § 10-17(d))

Sec. 70-85. Vehicle requirements.

All vehicles of any licensee carrying refuse under this chapter shall have on both sides thereof a sign containing the name of the licensee, (not "City," "Muskegon" or "City of Muskegon"), with the telephone number and the number of the vehicle, all of which shall be painted thereon in plain and unobscured letters not less than four inches in height. The number of the vehicle shall be registered in the office of the city clerk.

(Code 1975, § 10-17(e))

Sec. 70-86. Issuance of license.

If the applicant has complied with this chapter and all provisions of the specifications, rules and regulations promulgated by the city manager and approved by the city commission, applicable to the business sought to be licensed, the city clerk shall issue the license provided for in this chapter after the city commission has approved thereof.

(Code 1975, § 10-17(g))

Sec. 70-87. Identification of vehicles and equipment.

Upon the granting of a license and the fulfillment of the conditions imposed by this chapter, the city clerk shall furnish each licensee a sticker for each vehicle registered, which sticker shall be conspicuously displayed and permanently affixed on the windshield at all times.

(Code 1975, § 10-17(h))

Sec. 70-88. Fee, bonding and insurance requirements.

Every person who engages in the collection, transportation or disposal of refuse in the city shall meet the fee, bonding and insurance requirements set forth in the rules and regulations. Licenses shall be good for one year from the date issued.

(Code 1975, § 10-17(i))

Sec. 70-89. Compliance of licensee.

The licensee shall, at all times, comply with all requirements of this chapter and all rules and regulations issued pursuant to this chapter.

(Code 1975, § 10-17(j))

Sec. 70-90. License denial, suspension and revocation.

- (a) The city manager may, for cause, deny a license applied for under this chapter or suspend or revoke any license granted under this chapter, after complaint, hearing which written charges, and a written decision giving the reasons therefor. In the discretion of the city manager, the city's contractor's license may be continued, in lieu of suspension or revocation, during contractual periods for continuation or notification for termination of service.
- (b) Any applicant or licensee aggrieved by a final decision of the city manager under this section shall have the right to a hearing before the city commission, provided that a written request therefor is filed with the city clerk within five days after receipt of the notice of the city manager's decision. During the pendency of any such appeal, the final determination of the city manager shall remain in full force and effect.

(Code 1975, § 10-17(k))

Sec. 70-91. Residential pickups; hours.

- (a) Licensees serving residential customers shall provide each customer a minimum of one pickup per week in accordance with a pickup schedule approved by the city manager.
- (b) No refuse shall be collected from residential premises in the city except between the hours of 6:00 a.m. and 5:00 p.m.

(Code 1975, § 10-17(l))

Sec. 70-92. Routes, dates of service, etc.

The routes, dates of service, equipment to be supplied and other aspects of the service to be provided by a licensee shall be determined by the city, and made a condition of the license.

(Code 1975, § 10-17(m))

Sec. 70-93. Fees.

The city commission shall determine, by resolution, the filing and processing fees for applications for licenses, based upon the reasonable administrative costs incurred by the city for the investigation and determination to issue licenses, and monitoring of compliance by licensees.

(Code 1975, § 10-17(n))

Sec. 70-94. Compliance with specifications, rules and regulations.

The city manager shall promulgate specifications and rules and regulations approved by the city commission which must be complied with by any person issued a license under this chapter. Demonstration to the city of an applicant's ability to so comply shall be required before a license may issue. Such specifications, rules and regulations shall not exceed the requirements complied with by a city contractor, but, further, in no event shall such specifications, rules and regulations allow a licensee to carry on a collection and disposal business or collect refuse under conditions less stringent or using methods or equipment different from those imposed upon a city contractor. Rules and regulations adopted to regulate trash collection, in the absence of separate specifications in rules and regulations for licensed collectors, shall apply to every licensed collector, who shall comply with them fully.

(Code 1975, § 10-17(f))

Secs. 70-95--70-110. Reserved.

DIVISION 4. RECYCLABLE MATERIAL *

***State law reference(s)**--Recycling, MCL 324.16101 et seq.

Sec. 70-111. Collection of recyclable materials.

- (a) Specifications for city recycling containers and their use shall be promulgated by the city manager and adopted in the rules and regulations.
- (b) When required by the city, recycling containers shall be provided by the city contractor as follows: one recycling container for every residential unit served.
- (c) Owners and occupants of buildings having no more than six residential units shall be responsible for obtaining city recycling containers for each unit from the city or its contractor, when required by the city commission by rule or regulation.
- (d) When city recyclable collection is provided, the conditions for service and the collection schedule for city recycling containers shall be the same as those provided in this chapter and rules and regulations.
- (e) City recycling containers shall only be used for the collection and removal of recyclable materials.
- (f) The collection of recyclable materials and use of recycling containers shall be made available at times and during periods set forth in rules and regulations, which shall be adopted from time to time by the city and publicized.

(Code 1975, § 10-11)

Sec. 70-112. Responsibility for mixed refuse collection carts or city recycling containers.

- (a) Upon dispersal of mixed refuse collection carts or city recycling containers by the city contractor, the carts and containers become the responsibility of both the owner and occupant of the residential unit to which they are dispersed, including safekeeping, maintenance and upkeep.

- (b) Damaging or failure to maintain a mixed refuse collection cart or city recycling container is punishable according to the penalty provisions of this chapter.

(Code 1975, § 10-12)

Sec. 70-113. Scope of services.

- (a) City residential unit mixed refuse, bulk item, household appliance and recyclables service shall be provided only to occupants of buildings containing six or less residential units. A commercial or multiple residential premises may be served if its refuse is equivalent to residential refuse, the city manager approves the service, the city or its contractor has the ability, capacity and equipment to collect it without disproportionate or additional costs, and the fees are paid.
- (b) A residential or authorized commercial or multiple residential unit may obtain one additional mixed refuse collection cart for a fee to be determined by resolution.

(Code 1975, § 10-13)